

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FERNANDO ALVAREZ,)	CASE NO. 3:08CV2418
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
)	
DEB TIMMERMAN-COOPER, Warden,)	
)	
)	
)	
RESPONDENT.)	

On October 10, 2008, Petitioner Fernando Alvarez (Petitioner) filed a *pro se* Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) The action was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2. In a Report and Recommendation dated August 21, 2009, Magistrate Judge Limbert recommended that Petitioner's application for habeas corpus relief be dismissed upon a determination that Petitioner procedurally defaulted on his ineffective assistance of counsel claim. The Magistrate Judge also recommended that the Court reject Petitioner's second and third grounds for relief: insufficiency of the evidence and a verdict against manifest weight of the evidence. (Docket No. 11.)

Having received no objections within the statutory period, the Court, after reviewing the record including the Report and Recommendation, entered an Order adopting the Report and dismissing the petition. (Doc. No. 12.) Following this ruling, on September 8, 2009, Petitioner filed a motion for an extension of time in which to raise

objections to the Report and Recommendation. (Doc. No. 14.) On September 14, 2009, the Court granted the motion, withdrew its prior Order adopting the Report and Recommendation, and granted Petitioner leave until November 1, 2009 to file his objections.

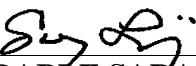
The additional time the Court afforded Petitioner to file his objections has passed. Federal Rules of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Further, the record reflects that Petitioner has been released from prison and has not advised the Court of his new address. (See Doc. Nos. 16 and 17.) Given the fact that Petitioner has filed no objections and has not updated his address information, the Court must conclude that he is satisfied with the Magistrate Judge's Report and Recommendation and does not wish to further pursue this action. Any further review by this Court would, therefore, be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is hereby **ADOPTED** and Petitioner's Writ of Habeas Corpus (Docket No. 1) is **DENIED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to

issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: November 6, 2009


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE